

90-700.03. PRESUMPTION OF EMPLOYABILITY

A. General

This section provides information regarding the presumption of employability in the GR Program.

B. All GR Applicants

All GR applicants shall be presumed to be AB. A determination of UE shall be made only upon receipt of medical evidence indicating that the applicant is not employable or is otherwise aided under the IP or the IAP.

C. Definitions

The table below shows some definitions of terms used in this section and their treatment in the Employable Program.

Term	Definition/Treatment
AB	<p>Individuals who are physically and mentally able to accept employment. Unless acceptable medical verification of a medical or mental disability is provided to confirm otherwise, the following persons will be considered AB:</p> <ul style="list-style-type: none">• persons with alcohol or drug dependence;• persons with limited English speaking capability;• persons with limited English literacy; or• persons with limited job skills or training. <p>These persons may be eligible to receive extended aid if they have extenuating circumstances, have a verified course of action to address and/or correct the situation within a limited time, and are approved for a hardship waiver from time limits by the GR Program Manager.</p>
UE	<p>An individual with a physical or mental impairment that substantially limits one or more major life activities.</p>

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Definitions (continued)

Term	Definition/Treatment
Conditionally Employable	Individuals who claim to be employable for light work only or who have verified medical limitations because of a temporary or permanent medical condition which precludes some type of work activity. These applicants/recipients are also identified as “employable with restrictions.” This will also include individuals who are unable to be assigned to the Work Project because there is not a site available.
Children	Individuals under 18 years of age. They shall not be evaluated for employability, but shall be included in their parent’s employability sanction period because of the responsibility of parent for child.

GRPG Letter #73 (1/14)

D. Conditionally Employable – Work Project Requirement

Conditionally Employable applicants/recipients may have the work project requirement reduced, substituted, or waived entirely by written approval of the FRC Manager under the following circumstances:

- No suitable work project site can accommodate the applicant’s/ recipient’s medical restrictions without aggravating the applicant’s/ recipient’s medical condition
- Written exemptions or modifications must be filed in the Work Project folder and documented in the Case Comments
- FRC staff shall report the need for sites to accommodate specific medical restrictions to the CalFresh E&T SW via Form 11-55 HHSA
- If feedback from the CalFresh E&T SW indicates that a Work Project site cannot be developed to accommodate the applicant’s/recipient’s medical restrictions, the FRC Manager may modify or substitute the Work Project requirement for the remainder of the certification period, and additional 11-55 HHSA forms will not be required.
- There is not a Work Project site available for the applicant/recipient.

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E. Conditionally Employable – Job Search Requirement

Conditionally Employable applicants/recipients may also have the Job Search requirement modified with written approval of the FRC Manager under the following circumstances:

- The medical limitation severely restricts access to potential employers
- There is a shortage of available employment opportunities within the community that can accommodate limitations

Written exemptions or modifications shall be filed in the Work Project folder and documented in Case Comments.

F. Administra- tive Un- employability

Applicants/recipients sometimes may declare themselves employable and able to work, when it appears to the worker that they are unemployable. In these situations, the steps in the table below will be taken.

Step	Who	Action
1	Worker	Refer the situation to the Supervisor on a gram, requesting a temporary exemption from employable requirements.
2	Supervisor	Indicate approval (up to 30-days exemption) or disapproval on the gram, sign it, and return it to the worker.
3	Worker	Image the gram in the case file.
4	Supervisor	Refer the case on a gram to the FRC Manager if no medical verification of unemployability is obtained by the end of the exemption period, and the individual continues to demonstrate unemployability for approval to convert the case to an UE aid for the balance of the 12-month certification period.

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Administrative Unemployability (continued)

Step	Who	Action
5	FRC Manger	Indicate approval/disapproval on the gram, which must include the signatures of the Supervisor and FRC Manager making the determination.
6	CalFresh E&T SW	Complete the top section of the 22-08 HHSA when making a determination of unemployability, using the comments section to communicate the determination and length of unemployability.
7	Worker	Comply with the decision of the CalFresh E&T SW, and use the comments section of the 22-08 HHSA to tell the CalFresh E&T SW that the appropriate action is taking place.

Administrative unemployability determinations override an 11-45 HHSA stating the applicant/recipient is employable.

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G. Both Spouses Employable

If both spouses are employable, both must cooperate with all Employable Program requirements. If either of the spouses is non-cooperative, both spouses shall be ineligible during the employable sanction period.

H. Employable with UE or IP Spouse

If only one spouse is employable, both spouses shall be aided as an employable couple for budgeting and certification periods.

If the employable spouse is ...	Then ...
cooperative with all Employable Program requirements,	the couple may continue for another monthly period of aid.

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Employable with EL or IP Spouse (continued)

If the employable spouse is ...	Then ...
non-cooperative,	only the non-cooperative spouse will be discontinued and be ineligible during the sanction period. The UE/IP spouse, if otherwise eligible, shall continue to receive aid under the requirements of the UE or IP. The UE or IP spouse must meet timely reporting requirements for both during the sanction period.

When the sanction period is over and the employable spouse requests to be added back to the case, a new application is required.

I. Treatment of Married Couple – One Time-Expired, One IP/IAP

For cases with married couples when one spouse becomes time-expired as AB and the other spouse remains eligible to UE/IP/IAP, the case will continue to require six-month or 12-month certification periods, as appropriate. Therefore, the worker will take the actions in the table below.

Step	Action						
1	Set a Case Alert for the beginning of the last month of eligibility for the spouse whose AB will end.						
2	Redetermine eligibility for the UE/IP/IAP spouse.						
3	<table><tr><th>If the UE/IP/IAP spouse ...</th><th>Then discontinue the ...</th></tr><tr><td>remains eligible,</td><td>AB spouse.</td></tr><tr><td>does not remain eligible,</td><td>entire case.</td></tr></table>	If the UE/IP/IAP spouse ...	Then discontinue the ...	remains eligible,	AB spouse.	does not remain eligible,	entire case.
If the UE/IP/IAP spouse ...	Then discontinue the ...						
remains eligible,	AB spouse.						
does not remain eligible,	entire case.						